



PATENT  
Customer No. 22,852  
Attorney Docket No. 7787.0041-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Gerald W. FISCHER *et al.* ) Group Art Unit: 1631  
)  
Application No.: 09/893,615 ) Examiner: To be assigned  
)  
Filed: June 29, 2001 )  
)  
For: OPSONIC AND PROTECTIVE )  
MONOCLONAL AND CHIMERIC )  
ANTIBODIES SPECIFIC FOR )  
LIPOTEICHOIC ACID OF GRAM )  
POSITIVE BACTERIA )

A12  
Plunkett  
10/13/02

Commissioner for Patents  
Washington, DC 20231

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of all but three of the listed documents were previously submitted in a prior application, application no. 09/097,055, filing date June 15, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of the three documents not previously submitted are attached. Applicants respectfully request that

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP  
1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

RECEIVED

OCT 09 2002

TECH CENTER 1600/2900

the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

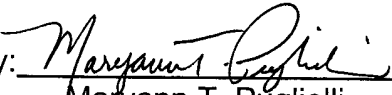
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 7, 2002

By:   
Maryann T. Puglielli  
Reg. No. 52,138

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com